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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/145,167	09/01/1998	IRENE HU FERNANDEZ	FERN-P004	5652

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EXAMINER

ROBINSON BOYCE, AKIBA K

ART UNIT	PAPER NUMBER
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3623

DATE MAILED: 03/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/145,167

Applicant(s)

FERNANDEZ ET AL.

Examiner

Akiba K Robinson-Boyce

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 December 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 15, 8-12, and 14-20 is/are rejected.
- 7) ☒ Claim(s) 6, 7, 13 and 20 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Status of Claims

1. Due to communications filed 12/7/04, the following is a final office action. Claims 1, 9 and 19 have been amended. Claims 1-20 are pending in this application and have been examined on the merits. The previous rejection has been withdrawn and the following rejection reflects the claims as amended.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103 (a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-5, 8 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Levergood et al. (US Patent 5,708,780), and further in view of Howe et al (US 6,826,775).

As per claim 1, Levergood et al. discloses:

a method for enhancing on-line commerce comprising the steps of, (Abstract, lines 1-4, method for controlling/monitoring access to network servers):

determining by a server an attribute of a client, (Col. 115, lines 9-10 and 15-16, returning a session identifier that includes a user identifier),

classifying the client in a set according to the attribute, (Col. 115, lines 33-35, database relating customer information to access patterns);

initiating before a request by any client in such set a message by the server, (Col. 9, lines 20-24, shows an embodiment where the client is not submitting a request, but is responding to a prompt, which replaces the client's "dial" command. Once the client responds to the prompt, Message 1 is initiated).

wherein the message is initiated adaptively or dynamically according to the attributes of a plurality of clients classified in the set, the classification being contextually mapped with the initiated message by comparing attributes to classify each client in the set the set classification being identified in group registry, (Col. 6, line 58-Col. 7, line 14, preferred account database containing a user profile, Col. 10, lines 24-36, shown that user is classified in the gold user's group),

the client request comprising an online search query and auction bid, (Col. 9, lines 20-24, shown that a client uses a form page implemented with a conventional browser to provide an identifier to make the request),

whereby a sale or transaction message may be provided to one or more clients classified in the set in response to the client request, (Col. 9, line 41-Col. 10, line 1, sends client a REDIRECT message after the user submits the request),

and one or more sensed client attributes, (col. 10, lines 24-36, shows users belonging to the gold group can access the priority gold page),

in order to bill or charge the client appropriately for the search query or auction bid, (Col. 117, lines 45-53, claim 39, shows that user identified with the session identifier is charged for access to the document),

Levergood et al fails to disclose wherein at least one of the classified clients comprises an interactive digital television appliance for enabling digital media play-back interactively between the appliance and the server, whereby the server may sense one or more appliance attribute from the group consisting of an appliance model number, an entertainment preference, a budget allowance, and a schedule availability, but does disclose a system for controlling and monitoring access to network servers in the abstract, lines 1-2.

However, Howe et al discloses:

wherein at least one of the classified clients comprises an interactive digital television appliance for enabling digital media play-back interactively between the appliance and the server, whereby the server may sense one or more appliance attribute from the group consisting of an appliance model number, an entertainment preference, a budget allowance, and a schedule availability, (Abstract, lines 1-2, interactive television services, w/ col. 17, line 59-col. 18, line 8, where the interactive callback address (ICA) associated with the interactive application or program is available to call and establish with an interactive server an interactive session associated with the program, where the ICA is used to access a button for indicating the availability of an interactive application during the interactive session is made available, in this case, the ICA serves as the attribute since it is a unique element also used to

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determine availability). Howe et al discloses this limitation in an analogous art for the purpose of showing that the availability of an interaction application or program is made available to users of the interactive system.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention for at least one of the classified clients comprises an appliance for enabling digital media play-back interactively between the appliance and the server, whereby the server may sense one or more appliance attribute from the group consisting of an appliance model number, an entertainment preference, a budget allowance, and a schedule availability with the motivation of showing how attributes can effect the digital image display.

As per claim 2, Levergood et al. discloses:

the attribute comprises a monitored location, time value, selection, condition, or affiliation associated with the client, (Col. 115, lines 17-18, time value).

As per claim 3, Levergood et al. fails to teach that the attribute is provided by one or more client sensor, but does disclose a system for controlling and monitoring access to network servers in the abstract, lines 1-2.

However, Howe et al discloses:

the attribute is provided by one or more client sensor, (Col. 8, lines 24-28, where the STB [which is the client as shown in col. 2, line 12] will be able to sense the ICA or interactive callback address which is associated with an interactive application to enable subscribers to invoke an interactive application and serves as the attribute as described

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above with respect to claim 1). Howe et al discloses this limitation in an analogous art for the purpose of showing that attributes are adequately sensed by the client.

It would have been obvious to one of ordinary skill in the art to provide the attributes by client sensors because this is the type of device needed to provide the impulse necessary for the detection of client characteristics.

As per claims 4, 5, Levergood et al. discloses:

the attribute is provided in a memory, and the client is classified by comparing the attribute with another attribute stored in the memory/the client is classified in the set according to a determined substantial similarity, (Col. 115, lines 9-10, returning a session identifier and the session identifier includes a use identifier, w/ col. 115, lines 32-34, where the server maintains a database relating customer information to access patterns).

Levergood et al. doesn't specifically disclose determining a second attribute of a second or third client, however, this feature is inherent with the system because in a client-server environment, multiple clients are connected to a server and are interchangeable. The client that has interactions with the server can be substituted for another client in the network.

As per claim 8, Levergood et al. discloses:

the message comprises a commercial offering, an application program, a still image, or a video stream, (Abstract, lines 4-7, client views a document transmitted by a browser in a hypertext environment).

As per claim 19, Levergood et al. discloses:

receiving an attribute signal from a first node, (Col. 115, lines 9-10, returning a session identifier);

transmitting the attribute signal to a second node for classifying the first node in a set according to the attribute signal; (Col. 115, lines 32-34, relating customer information to access patterns);

receiving a message signal from the second node /transmitting the message signal to one or more nodes classified in the set, the message signal being initiated before a message request from the first node adaptively or dynamically according to a plurality of attribute signals and identified in a group registry, (Col. 9, lines 20-24, shows an embodiment where the client is not submitting a request, but is responding to a prompt, which replaces the client's "dial" command. Once the client responds to the prompt, Message 1 is posted to the URL specified by the form page, therefore, Message 1 is transmitted to the nodes classified by the URL),

the message request comprising an online search query and auction bid, (Col. 9, lines 20-24, shown that a client uses a form page implemented with a conventional browser to provide an identifier to make the request)

whereby a sale or transaction message may be provided to one or more nodes classified in the set in response to the message request, (Col. 9, line 41-Col. 10, line 1, sends client a REDIRECT message after the user submits the request),

and one or more sensed node attributes, (col. 10, lines 24-36, shows users belonging to the gold group can access the priority gold page),

in order to bill or charge the first node appropriately for the search query or auction bid, (Col. 117, lines 45-53, claim 39, shows that user identified with the session identifier is charged for access to the document).

Levergood et al fails to disclose wherein at least one of the classified clients comprises an interactive digital television appliance for enabling digital media play-back interactively between the appliance and the server, whereby the server may sense one or more appliance attribute from the group consisting of an appliance model number, an entertainment preference, a budget allowance, and a schedule availability, but does disclose a system for controlling and monitoring access to network servers in the abstract, lines 1-2.

However, Howe et al discloses:

wherein at least one of the classified clients comprises an interactive digital television appliance for enabling digital media play-back interactively between the appliance and the server, whereby the server may sense one or more appliance attribute from the group consisting of an appliance model number, and entertainment preference, a budget allowance, and a schedule availability, (Abstract, lines 1-2, interactive television services, w/ col. 17, line 59-col. 18, line 8, where the interactive callback address associated with the interactive application or program is available to call and establish with an interactive server an interactive session associated with the program, where the a button for indicating the availability of an interactive application during the interactive session is made available). Howe et al discloses this limitation in

an analogous art for the purpose of showing that the availability of an interaction application or program is made available to users of the interactive system.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention for at least one of the classified clients comprises an interactive digital television appliance for enabling digital media play-back interactively between the appliance and the server, whereby the server may sense one or more appliance attribute from the group consisting of an appliance model number, an entertainment preference, a budget allowance, and a schedule availability with the motivation of showing how attributes can effect the digital image display.

4. Claims 9-12, 14, 15, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hoffberg et al. (US Patent 5,774,357) in further view of Howe et al. (US Patent 6,826,775)

As per claim 9, Hoffberg et al. discloses:

an interface, (Abstract, lines 1-4, human interface device),

a processor, (Col. 95, line 61-63, input processor);

and a sensor, (Col. 95, line 64-66, detector for detecting characteristics);

wherein the interface is accessible by a server coupled to a network, (Col. 84, lines 8-25, control),

whereby the processor may provide the network access to a signal generated by the sensor; the interface being classifiable in a set according to the signal, the interface receiving a network signal according to the classified set, the network signal being initiated before a client message request adaptively or dynamically...the classification

being contextually mapped with the network signals and identified in a group registry, (Col. 25, lines 46-55 and Col. 26, lines 57-67, Col. 9, lines 20-24, shows an embodiment where the client is not submitting a request, but is responding to a prompt, which replaces the client's "dial" command. Once the client responds to the prompt, Message 1 is initiated),

the client message request comprising an online search query and auction bid, (Col. 9, lines 20-24, shown that a client uses a form page implemented with a conventional browser to provide an identifier to make the request),

whereby a sale or transaction message may be provided to one or more clients classified in the set in response to the client message request, (Col. 9, line 41-Col. 10, line 1, sends client a REDIRECT message after the user submits the request),

and one or more sensed client attributes, (col. 10, lines 24-36, shows users belonging to the gold group can access the priority gold page),

in order to bill or charge the client appropriately for the search query or auction bid, (Col. 117, lines 45-53, claim 39, shows that user identified with the session identifier is charged for access to the document).

However Howe et al discloses:

according to a plurality of generated sensor signals associated with the classified set, (Col. 4, lines 21-28, shows an interactive system capable of receiving broadband signals and programmed to detect the presence and content of an identifying code or callback address, w/ col. 3, lines 5-10, shows that the interactive system can be located geographically close to a corresponding set of subscribers). Howe et al discloses this

limitation in an analogous art for the purpose of showing that a specific set of subscribers located in a particular geographic area are able to receive broadband signals associated with these subscribers).

It would have been obvious to one of ordinary skill in the art to incorporate the idea of associating the classified set into adaptively or dynamically directing the network signal according to the generated sensor signals because in order to direct these type of signals to the appropriate subscribers, they need to be classified or grouped in a specific order.

Levergood et al fails to disclose wherein at least one of the classified clients comprises an interactive digital television appliance for enabling digital media play-back interactively between the appliance and the server, whereby the server may sense one or more appliance attribute from the group consisting of an appliance model number, an entertainment preference, a budget allowance, and a schedule availability, but does disclose a system for controlling and monitoring access to network servers in the abstract, lines 1-2.

However, Howe et al discloses:

wherein at least one of the classified clients comprises an interactive digital television appliance for enabling digital media play-back interactively between the appliance and the server, whereby the server may sense one or more appliance attribute from the group consisting of an appliance model number, an entertainment preference, a budget allowance, and a schedule availability, (Abstract, lines 1-2, interactive television services, w/ col. 17, line 59-col. 18, line 8, where the interactive

callback address associated with the interactive application or program is available to call and establish with an interactive server an interactive session associated with the program, where the a button for indicating the availability of an interactive application during the interactive session is made available). Howe et al discloses this limitation in an analogous art for the purpose of showing that the availability of an interaction application or program is made available to users of the interactive system.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention for at least one of the classified clients comprises an appliance for enabling digital media play-back interactively between the appliance and the server, whereby the server may sense one or more appliance attribute from the group consisting of an appliance model number, an entertainment preference, a budget allowance, and a schedule availability with the motivation of showing how attributes can effect the digital image display.

As per claim 10, Hoffberg et al. discloses:

the generated signal represents...a-time value, (Col. 23, lines 51-53, frequency).

As per claims 11 and 12, Hoffberg et al. discloses:

the generated signal is stored in a database and the interface is classified by comparing the generated signal with another generated signal stored in the database/the generated signal is compared with the other generated signal to determine a substantial similarity or recognizable pattern there between, (Col. 95, lines 1-25, a program database, presenting information based on user characteristic and program data base).

As per claim 14, Hoffberg et al. discloses:

the network signal comprises a commercial offering, an application program, a still image, or a video stream, (Abstract, lines 2-4, application program).

As per claim 15, Hoffberg et al. discloses:

the sensor comprises a global positioning satellite system (GPS) receiver for determining a position of the client, (Col. 38, lines 5-19, where it is shown that (x, y) and (x, y, z) axis pressure sensor in a button conformed to a finger and includes position sensors for determining the position of a finger or pointer on a display at the client).

As per claim 18, Hoffberg et al. discloses:

the interface sends a transaction signal in response to the network signal, (Col. 64, lines 43-56, shows an input signal for a user on the network results in an output relating to the relatedness of an event (transaction)).

5. Claims 16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hoffberg et al. (US Patent 5,774,357), in view of Howe et al. (US Patent 6,826,775), and in further view of Levergood et al (US 5,708,780).

As per claim 16, neither Hoffberg et al. nor Howe et al disclose that the interface further comprises a web browser application for accessing the network the following, but Hoffberg et al does disclose a human interface device that includes a data transmission selector for selecting transmitted programs responsive to an input in the abstract, lines 1-4.

However Levergood et al. discloses:

the interface further comprises a web browser application for accessing the network, (Abstract, lines 1-7, human interface). Levergood et al discloses this limitation in an analogous art for the purpose of showing the utility of web browser applications.

It would have been obvious to one of ordinary skill in the art to have a web browser on an interface because this is the most common type of application used in a client-server environment that makes system interaction and network access easier.

As per claim 17, Hoffberg et al. discloses:

network access through the web browser application is secured by the sensor determining a genetic identification of a user of the web browser application, (Col. 13, lines 3-8, shown that genetic learning algorithm used to adaptively segment images,).

Allowable Subject Matter

6. Claims 6, 7, 13 and 20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

7. Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Akiba K Robinson-Boyce whose telephone number is 703-305-1340. The examiner can normally be reached on Monday-Tuesday 8:30am-5pm, and Wednesday, 8:30 am-12:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on 703-305-9643. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7238 [After final communications, labeled "Box AF"], 703-746-7239 [Official Communications], and 703-746-7150 [Informal/Draft Communications, labeled "PROPOSED" or "DRAFT"].


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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

ARB

A. R. B.

March 2, 2005


TARIQ R. HAFIZ
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600